

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/799,749
		Filing Date	March 15, 2004
		First Named Inventor	Barry N. KREISWIRTH
		Art Unit	1614
		Examiner Name	TBA
Total Number of Pages in This Submission	32	Attorney Docket Number	19124.0016

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input checked="" type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Exhibit A - Copy of CRF filed in Appln. # 10/073,256 and Sequence Listing (paper copy)</b>
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Robert R. Seabold, Registration No. 41,298 Swidler Berlin Shereff Friedman LLP	
Signature		
Date	November 8, 2004	

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Barry N. Kreiswirth *et al*

Application. No.: 10/799,749

Filed: March 15, 2004

Title: METHOD FOR TRACKING AND CONTROLLING INFECTIONS



Art Unit: 1614

Examiner: TBA

RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF NONPROVISIONAL APPLICATION

MAIL STOP MISSING PARTS  
Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

Sir:

In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION dated July 8, 2004, Applicants submit herewith the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Exhibit A, a copy of the CRF filed in Application No. 10/073,256;
2. Sequence Listing;
3. Copy of the Notice to File Missing Parts;
4. Petition For Extension Of Time Under 37 C.F.R. § 1.136(a); and
5. Fee Transmittal.

Applicant requests respectfully that the Commissioner please enter the attached documents and following amendments and consider the remarks below.

### **FORMALITIES**

Please change the Attorney Docket No. to “19124.0016.”

### **REMARKS**

In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION dated July 8, 2004 (the “Notice”), Applicants submit respectfully the following.

Applicants request respectfully that the two compact discs submitted previously in this application, and noted in the Notice, be disregarded. Inasmuch as the discs are to be disregarded, Applicants submit respectfully that the objections made in regard to the discs have been rendered moot. Applicants will not amend the specification to make specific reference to the discs or to describe their content, nor will Applicants file substitute or replacement discs.

Applicants submit herewith a paper Sequence Listing, and Applicants request respectfully that the present Sequence Listing be considered identical with the Sequence Listing entered in the present application’s parent application, Application Number 10/073,256, filed February 13, 2002, now abandoned. In lieu of a new Computer Readable Format (CRF), Applicants request respectfully that the CRF entered in the afore-mentioned application be used instead. A photocopy of the diskette provided as the CRF in that application is attached hereto as Exhibit A. Applicants state that the Sequence Listing content of the paper copy submitted herewith and the CRF of Application No. 10/073,256 are the same. Furthermore, Applicants state that the Sequence Listing information recorded in computer readable form is identical to the written Sequence Listing submitted herewith. The Sequence Listing submitted herewith contains no new matter.

In view of the above, Applicants request respectfully that the objections made in the Notice be withdrawn.

### **AUTHORIZATION**

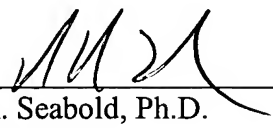
The Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 19-5127, referencing 19124.0016.

### **CONCLUSION**

Applicants submit respectfully that the present application is now in condition for examination, and Applicants request respectfully that the application be passed to the Examiner.

Respectfully submitted,

Date: November 8, 2004

  
\_\_\_\_\_  
Robert R. Seabold, Ph.D.  
Reg. No. 41,298

Swidler Berlin Shereff Friedman, LLP  
3000 K Street, NW, Suite 300  
Washington, DC 20007  
Telephone: (202) 424-7500

maxell



Kreiswirth et al.

System and method for tracking  
and controlling infections

Recorded 4-19-02

Windows NT

19124.0002

10/073,256

filed 2/13/02



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/799,749	03/15/2004	Barry N. Kreiswirth	19124.0012 A

CONFIRMATION NO. 8023

23517  
 SWIDLER BERLIN SHEREFF FRIEDMAN, LLP  
 3000 K STREET, NW  
 BOX 1P  
 WASHINGTON, DC 20007

## FORMALITIES LETTER



\*OC000000013185635\*

Date Mailed: 07/08/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.
- This application is objected to because it contains a data file on CD-ROM/CD-R, however, the transmittal letter does not list for each compact disc, the machine format, the operating system compatibility, a list of files contained on the compact disc including their names, sizes in bytes, and dates of creation, plus any other special information that is necessary to identify, maintain, and interpret the information on the compact disc as required by 37 CFR 1.52(e)(3). A statement listing the required information is required. Additionally, the disc(s) is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. When portions of an application are contained on a compact disc, the paper portion of the specification must identify the compact disc(s) and list the files including name, file size, and creation date on each of the compact discs. See 37 CFR 1.52(e). Applicant(s) are required to amend the specification to identify each disc and the files contained on the disc including the file name, file size, and file creation date.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice

published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.


**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE